

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 15 of the Commission's Rules)	ET Docket No. 14-165
for Unlicensed Operations in the Television Bands,)	
Repurposed 600 MHz Band, 600 MHz Guard)	
Bands and Duplex Gap, and Channel 37, and)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	

ORDER

Adopted: December 22, 2016

Released: December 23, 2016

By the Commission:

1. By this Order, we waive the push notification requirements in Sections 15.37(j) and 15.711(i) of the Commission's rules that fixed and Mode II personal/portable white space devices and white space databases must meet by December 23, 2016.¹ We are taking this action because the Commission is still considering a number of petitions for reconsideration of these requirements, and thus manufacturers have not yet obtained certification for equipment that is capable of meeting them. This action is being taken without prejudice relative to the merits of these petitions.

2. On August 11, 2015, the Commission released the *Part 15 Report and Order* in the above-captioned proceeding.² The *Part 15 Report and Order* adopted new and modified rules for white space devices and unlicensed wireless microphones that operate in the TV bands and 600 MHz Band, and for white space devices that operate in channel 37. It also made changes to the rules for white space databases and adopted transition rules specifying dates by which white space devices, white space databases, and unlicensed wireless microphones must comply with the new requirements.

3. To prevent interference to protected services, including licensed wireless microphones, certain white space devices are required to check a database at least once a day to obtain a list of available channels at their operating location.³ In the *Part 15 Report and Order*, the Commission retained this requirement and decided to also require that database administrators push information about changes in channel availability information to white space devices in the area where the licensed wireless microphones will be used.⁴ When a database administrator receives a request for access to channels for licensed wireless microphone use, the database administrators must share the licensed wireless microphone's channel registration information among themselves within ten minutes and push

¹ 47 CFR §§ 15.37(j) and 15.711(i). In a push notification system, a white space database directs information on changes in channel availability to specific devices in an area.

² *Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37*, Report and Order, 30 FCC Rcd 9551 (2015) (*Part 15 Report and Order*).

³ 47 CFR § 15.711(c)(2)(iii), (d)(4). This requirement applies to fixed and Mode II personal/portable white space devices.

⁴ *Part 15 Report and Order*, 30 FCC Rcd at 9662, para. 274.

information about changes in channel availability for fixed and Mode II personal/portable white space devices within 20 minutes of receiving it, identifying for the white space devices other available channels that could be used instead. White space devices for which a certification application is filed beginning June 23, 2016, or that are imported or marketed beginning September 23, 2016 must incorporate a push notification capability.⁵ Previously approved white space devices that do not incorporate a push notification capability must cease operation no later than December 23, 2016.⁶ In addition, the white space database administrators must update their systems to implement push notification capabilities no later than December 23, 2016.⁷

4. Several parties filed petitions for reconsideration of the push notification requirements adopted by the Commission, arguing that there are a number of difficulties in implementing them.⁸ However, the record is mixed on what actions parties believe the Commission should take with respect to these requirements. For example, Google and Microsoft argue that the Commission should require frequent database re-checks on a limited number of channels instead of push notifications, while the National Association of Broadcasters (NAB) argues that the Commission should require frequent database re-checks on all channels.⁹ One database administrator, Key Bridge LLC, disagrees with petitioners that implementing a push notification capability for white space devices and databases is impractical.¹⁰ Due to the complexity of these issues, the Commission will require additional time to develop a more complete record and reach a decision.

5. All currently approved white space devices have the capability to re-check the white space database at least once per day, but no manufacturers have yet obtained and submitted certification for white space devices that incorporate a push notification capability. Therefore, under our rules, all currently approved white space devices would be required to cease operation no later than December 23, 2016 absent Commission action. Accordingly, we find that there is good cause to grant waivers of Sections 15.37(j) and 15.711(i) of the rules. This action will ensure that manufacturers may continue to market previously approved white space devices, and that users may continue to operate them. The ability of all approved white space devices to satisfy the at-least-once-daily database re-check requirement will ensure that wireless microphones will continue to receive interference protection from

⁵ 47 CFR § 15.37(j). White space devices must be approved through the Commission's equipment certification procedure prior to marketing. 47 CFR § 15.201. Certification is an equipment authorization issued by a designated Telecommunication Certification Body based on an application and test data submitted by the manufacturer showing that the equipment complies with the applicable technical requirements. 47 CFR § 2.907. The Commission made no change to the requirement that manufacturers must obtain equipment certification for white space devices in the *Part 15 Report and Order*, but manufacturers would have to show that white space devices incorporate a push notification capability when applying for equipment certification after June 23, 2016. No manufacturers applied for certification of white space devices after June 23, 2016. The Commission approved one white space device after this date, but the manufacturer filed the application for certification prior to this date, so the device was not required to incorporate a push notification capability. Runcom Communications Ltd. application for certification, FCC ID: XYMCPETVWS-1 (filed February 17, 2016 and granted July 28, 2016).

⁶ 47 CFR § 15.37(j).

⁷ 47 CFR § 15.711(i)(3).

⁸ Google Inc. Petition for Reconsideration, ET Docket No. 14-165, at 1 (filed Dec. 23, 2015), <https://ecfsapi.fcc.gov/file/60001390176.pdf> (Google Petition); Petition for Reconsideration of the National Association of Broadcasters, ET Docket No. 14-165, at 5 (filed Dec. 23, 2015), <https://ecfsapi.fcc.gov/file/60001390495.pdf> (NAB Petition); Response and Opposition to Petitions for Reconsideration of Microsoft Corporation, ET Docket No. 14-165, at 13 (filed Feb. 29, 2016), <https://ecfsapi.fcc.gov/file/60001524524.pdf> (Microsoft Opposition).

⁹ Google Petition at 8-9, Microsoft Opposition at 19, NAB Petition at 6.

¹⁰ Comments of Key Bridge LLC, ET Docket No. 14-165, at 6 (filed March 9, 2016), <https://ecfsapi.fcc.gov/file/60001530548.pdf>.

white space devices.¹¹ We will make this action effective upon release of this Order, and the waiver will remain in effect until the Commission takes a final action addressing the petitions for reconsideration of the push notification rules.

6. Accordingly, pursuant to the authority in Sections 1.3 of the Commission's rules, 47 CFR § 1.3, and Sections 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 302a, 303(e) and 303(r), IT IS ORDERED that the Sections 15.37(j) and 15.711(i) of the Commission's rules, 47 CFR §§ 15.37(j) and 15.711(i) ARE WAIVED until 180 days from the effective date of this Order or until the Commission takes final action on the petitions for reconsideration in ET Docket No. 14-165 with respect to these rule sections, whichever comes earlier.

7. IT IS FUTHER ORDERED that the effective date of this Order IS THE DATE upon which this Order is released by the Commission.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹¹ See n. 3, *supra*.